the rule was not made in good faith. *Seaboard Air Line R. R. Co. v. Hunt,* 73 S. E., 588. In New Jersey it was held that the employe could recover for injuries resulting from violation of a rule where it was given him only for his guidance and he did not know the danger involved in its violation. *Horandt v. Rosenthal,* 79 Ala., 321. An employe is not responsible for willful or intentional disobedience when the reason for it is sickness or emergency. *Junction Mining Co. v. Ecnh,* 111 Ill. App., 346; *Brown v. Southern Ry.,* 82 S. C., 528. Where the master with knowledge allows a rule to be habitually disregarded, no blame attaches to servant. *Tullis v. Lake Erie & W. R. Co.,* 105 Fed., 554; *Knickerbocker Ice Co. v. Finn,* 80 Fed., 483; *A. G. S. R. R. Co. v. Bonner,* 39 So. (Ala.), 619; *Fluhrer v. Lake Shore & M. S. Ry. Co.,* 121 Mich., 212. Customary violation without master's knowledge is not sufficient. *King v. Woodward Iron Co.,* 59 So. (Ala.), 264. Even though a master has waived a rule by not exacting obedience, a servant is not excused where he has been personally warned not to disobey it. *Crawford v. So. Ry.,* 150 N. C., 619. Where a rule that employes must wear goggles in a department of a plant where caustic soda was made was habitually disregarded by employes with master's knowledge, it was held not contributory negligence to disobey it. *Haley v. Solway Process Co.,* 112 N. Y. S., 25. The holding of the principal case is in harmony with the weight of authority and is sound.

MASTER AND SERVANT—INJURIES TO THIRD PERSON—SON AS AGENT OF FATHER.—MARSHALL V. TAYLOR, 153 S. W. (Mo.), 527.—*Held,* that where an automobile was provided by a father for the use of members of his family, and an adult son was chauffeur for them, and was permitted to use the car for his own pleasure, the son was an agent of the father, though using the car for his own pleasure, so as to make the father liable for his negligence.

All the authorities are in accord in holding that a principal, or a master, is not liable for the torts of his agent, unless they are committed while the agent is acting for him. *Bigelow on Torts,* p. 55; *Jones v. Hoge,* 47 Wash., 663; *Lotz v. Hanson,* 217 Pa., 339. The cases are not in harmony, however, on the question whether a son, driving for his own pleasure an automobile provided by his father for the use of the family, is such an agent or servant of his father, as to render his father liable for his negligence. The son is regarded as such an agent in *Stowe v. Morris,* 147 Ky., 387, and in *Daily v. Maxwell,* 152 Mo. App., 415, on the ground that since the automobile was provided for the use of the family, the son was carrying out what, within the spirit of the matter, was the business of the father. An early case, *Lashbrook v. Patten,* 1 Duv. (Ky.), 316, held that a son driving the horses and carriage of his father, with the father's approbation, was the servant of his father. On the other hand, *Doran v. Thomsen,* 76 N. J. L., 754, and *Maher v. Benedict,* 108 N. Y. Supp., 228, hold that in such cases the son is not acting as the agent of his father. Where the son uses the machine as a means of recreation and pleasure to himself, it would seem impossible to draw the conclusion that he could

be regarded as the agent or servant of his father upon that occasion. *Doran v. Tohmsen, supra.* The holding in the New Jersey and New York cases seems to be more in accord with the rule laid down above, that the principal is only liable for the torts of his servant, when the servant is acting for him. It seems to be a strained conclusion to consider the son in this case, as acting for his father.

TRADE-MARKS AND TRADE-NAMES—CONVEYANCE APART FROM BUSINESS —RIGHTS OF ASSIGNEE.—IN RE JAYSEE CORSET CO., 201 FED., 779.—*Held,* that conveyance of a trade-mark, unaccompanied by any business to which it had been previously attached, conferred no title on the assignee.

The rule laid down above is in harmony with all the American and English decisions. It is universally held that a trade-mark or name cannot be assigned except in connection with an assignment of the particular business in which it has been used. *Falk v. American West Indies Trad. Co.,* 180 N. Y., 445; *Viano v. Baccigalupo,* 133 Mass., 160; *Brown Chemical Co. v. Meyer,* 139 U. S., 540; *Croft v. Day,* 49 Eng. Reprint, 994. The office of a trade-mark is to point out distinctly the origin or ownership of the article to which it is affixed, or in other words, to give notice as to who was the producer. *Deering Harvester Co. v. Whitman & Barnes Mfg. Co.,* 91 Fed., 376, 378. As an abstract right, apart from the business in which it is used, a trade-mark has no existence, and to permit a trade-mark to be transferred apart from the business in which it is used would be productive of fraud upon the public. *Paul: Trade-marks,* Sec. 116. The public relies upon a trade-mark as designating the firm which produces the goods, and as a guarantee that the reputation and methods of the producer are behind the goods sent out. To permit the assignment of the trade-mark alone would be to do away with all the advantages to be gained by the use of a trade-mark, since the public, finding that the trade-mark could be assigned at will, and that a new firm, whose methods might be entirely different, might be producing the goods, would soon distrust all trade-marks as meaningless and misleading devices.

WEAPONS—UNLAWFUL CARRYING.—CRAIN V. STATE, 153 S. W. (TEX.), 155.—Defendant loaned money for a short time and a pistol was pledged to him, the cylinder of which he removed and put into his coat pocket and the frame of which he put into his pantaloons pocket. *Held,* that this was an unlawful carrying of a concealed weapon.

It is no defense to a charge of carrying a concealed pistol that it was unloaded. *Caldwell v. State,* 106 S. W. (Tex.), 343. Where one carries concealed all the pieces of pistol, which may be readily put together, it is indictable. *Hutchinson v. State,* 62 Ala., 3. It was held to be indictable to carry a concealed pistol though it was so battered that it could not be discharged by the trigger. *Atwood v. State,* 53 Ala., 508; *Redus v. State,* 82 Ala., 53. It was similarly held where the mainspring was broken and